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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,474	03/26/2001	Albert Eikelenboom	1-11-9-10	9818
34871	7590	10/07/2004	EXAMINER	
AGERE SYSTEMS INC. FOUR CONNELL DRIVE BERKELEY HEIGHTS, NJ 07922-2747			WONG, BLANCHE	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,474

Applicant(s)

EIKELENBOOM ET AL.

Examiner

Blanche Wong

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This application is in condition for allowance except for the following formal matters:

- With regard to the abstract, it reads like a claim containing legal terms such as “means”. In addition, the abstract should be a single paragraph. See MPEP § 608.01(b).
- The specification contains missing numbering, misnumbering, and misspelling. On p.6, ln. 20, network stations should be labeled 3,4. On p.7, ln. 2, antenna is misnumbered. On p.8, ln. 16, -- ef -- should be “of”.
- Formatting: With regard to claim 8 (ln. 5 and 9), claim 9 (ln. 5 and 9), claim 10 (ln. 5, 9 and 12), and claim 11 (ln. 5, 9 and 12), a semicolon should be used instead of a comma at the end of the limitation. With regard to claim 9, ln. 5, there is an extra – and –; ln. 11, there is a missing “and.” Appropriate correction is required.
- With regard to claim 1, Examiner suggests removing “adapted to” in ln. 3, in order to make more positive the limitations following “adapted to,” and therefore, these limitations must be considered during examination.
- With regard to claims 2,3,4,5, Examiner suggests replacing “The arrangement” in ln. 1, with – The wireless local area network station --.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

2. Claims 1-12 are allowed.
3. The following is an examiner's statement of reasons for allowance:

With regard to claims 1,8,9,12, the prior art of record fails to show or suggest a wireless local area (WLAN) network station, and a method of communicating and operating such WLAN network station, comprising the step of "carrying out an associate process between the network station and the access point by transmitting an association request message to the access point and receiving an association response message from the access point during entry of said network station into said communication cell," "receiving a preferred carrier detect threshold level value and preferred defer behavior threshold level value from the access point" and "storing the preferred carrier detect threshold level value and preferred defer behavior threshold level value in the memory of the network station for use during transmission and reception of signals while being associated with the access point." Kamerman discloses a WLAN station (Fig. 2) (claims 1,12), and a method of communicating (claim 8) and operating (claim 9) a WLAN station, comprising signal processing means 76, carrier detect sensing means 70 (carrier detect threshold circuit), defer behavior sensing means 72 (defer threshold circuit) and memory 74. Kamerman further discloses "transmitting and receiving signals 20 (antenna; see also col. 3, ln. 62-64) within a

communication cell 10 (network; network includes network stations, col. 3, ln. 61) associated with an access point 12, the communication cell being associated with a carrier detect zone and a defer zone (data/carrier signal are received at the antenna of the network station and then processed into a detect indication signal by the carrier detect threshold circuit 70 and a defer indication signal by a defer threshold circuit 72; see also col. 3, ln. 61-col. 4, ln. 46).” However, Kamerman’s preferred carrier detect threshold level value and preferred defer behavior threshold level value are used differently by a signal processing circuit. Col. 4, ln. 27-46.

Diepstraten discloses a request-to-send and clear-to-send signals in wireless communication. Col. 4, ln. 12-21. Furthermore, WAVELAN-II explains that in an access point-based network, it is typical that an access point and a network station exchange messages or messaging. p.119. However, it is not conceivable that thresholds can be incorporated into signals or messaging such as in the combinations of Kamerman and Diepstraten, or Kamerman in view of WAVELAN-II explanation.

With regard to claims 6,10,11, although a WLAN station can be assigned as a WLAN access point, the steps and limitations mentioned above are missing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

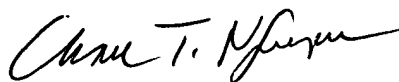
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW
October 1, 2004



CHAU NGUYEN
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